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ORIGINAL

BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF
AGUA CALIENTE SOLAR, LLC, IN
CONFORMANCE WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES 40-360.03 AND
40-360.06, FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING CONSTRUCTION OF THE AGUA
CALIENTE SOLAR PROJECT, A 280 MW
PARABOLIC TROUGH CONCENTRATING SOLAR
THERMAL, OR A 425 MW PHOTOVOLTAIC
SOLAR, GENERATING FACILITY AND
ASSOCIATED TRANSMISSION LINE
INTERCONNECTING THE GENERATING
FACILITY TO THE ADJACENT PALO VERDE
- NORTH GILA #1 500KV TRANSMISSION LINE IN
YUMA COUNTY APPROXIMATELY 10 MILES
NORTH OF DATELAND, ARIZONA.

) Docket No. L-00000JJ-09-0279-00145
) Case No. 145

AZ CORP COMMISSION
DOCKET CONTROL

2009 JUN - 8 P 2: 14

RECEIVED

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY, IN
CONFORMANCE WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES 40-360.03 AND 40-
360.06, FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING CONSTRUCTION OF THE APS Q43
500KV TRANSMISSION LINE AND SWITCHYARD
INTERCONNECTION PROJECT AND
ASSOCIATED FACILITIES INTERCONNECTING
TO THE PALO VERDE - NORTH GILA #1 AND
FUTURE PALO VERDE - NORTH GILA #2 500KV
TRANSMISSION LINES APPROXIMATELY 10
MILES NORTH OF DATELAND, ARIZONA
(SECTION 34, T5S, R12W, G&SRB&M, YUMA
COUNTY, ARIZONA)

) Docket No. L-00000D-09-0280-00146
) Case No. 146

Arizona Corporation Commission
DOCKETED

JUN - 8 2009

DOCKETED BY	
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PROCEDURAL ORDER

An application for a Certificate of Environmental Compatibility in each of the above matters was filed with docket control of the Arizona Corporation Commission ("Commission") on June 1, 2009. Copies of the applications were transmitted to John

1 Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman
2 ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line
3 Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. An
4 order consolidating the matters for purposes of hearing was filed on June 5, 2009. As
5 authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the
6 Chairman issues the following procedural order for the consolidated proceedings,

7 IT IS ORDERED:

- 8 1. The Applicants and all other potential parties ("persons" within the meaning of A.R.S.
9 § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
10 360.05(A)) shall advise the Chairman in writing on or before the time of the pre-
11 hearing conference scheduled below if they disagree that the time limit for decision
12 on the application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is
13 November 30, 2009.
- 14 2. The Applicants shall arrange for the publication and posting of the notice of the
15 evidentiary hearing in a form approved by the Chairman and circulated for approval
16 as to form to all known potential interested parties. In addition, the Applicants shall
17 submit a copy of the notice and present testimony describing the publication and
18 posting of the notice at the evidentiary hearing.
- 19 3. The Applicants shall make arrangements for the evidentiary hearing to be held at the
20 Dateland Elementary School, located at 1300 South Avenue 64E, Dateland, Yuma
21 County, Arizona, 85333, (just North of the Dateland Exit off Interstate 8). The
22 telephone number is: (928) 454-2242. The hearing will begin on Tuesday, July 21,
23 2009, at 9:30 a.m. and, if necessary, continue on Wednesday, July 22, 2009, at 9:30
24 a.m., and, Thursday July 23, 2009, at 9:30 a.m. The hearing will adjourn at
25 approximately 5:00 p.m. on each day. Additional hearings, if necessary, will be
26 noticed on the Projects and Arizona Corporation Commission's ("ACC") websites. In
addition, the Applicants shall make arrangements for a public comment session to
be held at the same venue starting at 6:00 p.m. on July 21, 2009. The Applicants
shall make arrangements for further regular sessions, if needed, and additional
public comment sessions, if needed, on dates and at times to be determined later.
4. The Applicants shall contact Michael Kearns, Chief Finance Officer of the
Commission (602-542-3931), and advise him of the Applicant's position concerning
reimbursement of the Line Siting Fund should the expenses of the hearings exceed
the application fee, and to discuss financial arrangements regarding hotel
reservations and other expenses of the Line Siting Committee Members. A.R.S. §
40-360.10. The Applicants shall advise the Chairman of the results of these
discussions so the necessary information may be communicated to the Line Siting
Committee Members.

- 1 5. The Applicants and all other potential parties ("persons" within the meaning of A.R.S.
2 § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
3 360.05(A)) shall meet and confer, on or before the beginning of the evidentiary
4 hearing to determine whether any of the intervening parties have similar interests in
5 the application process that will allow them jointly to present testimony on direct or
6 cross-examination of witnesses or jointly to offer exhibits into evidence. The
7 Applicants shall, and any other potential party may, report to the Chairman the
8 results of the attempts of the parties to resolve the issues and to determine if
9 common interests exist that will allow parties to jointly present evidence and
10 argument or to avoid repetition of testimony and argument at the hearing.
- 11 6. The parties and any other potential parties ("persons" within the meaning of A.R.S. §
12 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
13 360.05(A)) shall not communicate with any member of the Line Siting Committee
14 about any procedural matters or any factual issues or legal issues relating to the
15 Application while the Application is pending before the Line Siting Committee. The
16 only exception is the parties may communicate with the Chairman, during the time
17 the Application is pending, about procedural matters relating to the preparation of
18 the Application for hearing, the hearing on the Application and the decision on the
19 Application by the Line Siting Committee. Communication of the parties with the
20 Chairman about any procedural matters, during the time an Application is pending,
21 shall be in writing with a copy of the writing to all parties or known potential parties
22 ("persons" within the meaning of A.R.S. § 40-360(8) who have expressed an
23 intention to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)), or
24 shall be on the record at a pre-application hearing, at a procedural hearing or at the
25 hearing on the application. Any party who initiates any written communication sent to
26 the Chairman shall file, with docket control of the Commission, a copy of the
communication, including its distribution list, within 10 days of sending the
communication.
7. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall submit,
at least forty-eight hours before the hearing or meeting described in the agenda, any
objections, additions or corrections to the agenda, in order to bring the agenda into
compliance with A.R.S. § 38-431.02, in writing to the Chairman, serve a copy upon
all other parties and file a copy with docket control of the Commission.
8. In addition, all parties shall meet and confer as needed before, during and after the
hearing to attempt to resolve any disputes amongst the parties. The parties also
shall keep all other parties advised of their positions and intentions with regard to the
presentation of evidence, witnesses and the application process in general to avoid
delay, the presentation of repetitive evidence and any unfair advantage from
surprise.
9. All parties shall prepare brief summaries of the expected direct testimony of each
witness they will call. In lieu of a testimonial summary, a party may pre-file and

1 exchange all or substantially all of the direct testimony of any witness. Testimonial
2 summaries and pre-filed testimony should be filed no later than the last pre-hearing
3 conference or three business days before the witness is to testify, whichever is later.
4 Except for good cause, no witness will be allowed to testify on direct examination
concerning issues not reasonably identified in the pre-filed testimony or testimonial
summary.

5 10. All parties shall meet, confer and exchange all exhibits the party plans to offer in
6 evidence before the hearing or before they are referred to in testimony or offered in
7 evidence. The Applicants shall, and other parties may, provide one or more three
8 ring binders for the Chairman and each member of the Line Siting Committee to hold
9 exhibits at the beginning of the hearing and as needed during the hearing. Each
10 party shall prepare a numbered list of the exhibits and a copy of all exhibits suitable
11 for placement in the binders that have been exchanged with the other parties that
12 each party expects to offer in evidence at the hearing for the Chairman and each
13 Line Siting Committee member. The exhibits shall be provided at the beginning of
the hearing and during the hearing before reference to the exhibit is made in the
hearing. Except for good cause, no exhibit that was not exchanged with the other
parties shall be considered at the hearing. Any exhibit to which reference is made
during any hearing that is not offered or admitted into evidence shall be provided to
the court reporter at the evidentiary hearing for inclusion in the record unless it is
withdrawn, and the Chairman determines its filing is not necessary to an
understanding of the actions of the Committee.

14 11. All exhibits shall be consecutively numbered with the Applicant Agua Caliente's
15 exhibits denominated: AC-1, AC-2, etc. The Applicant Arizona Public Service's
16 exhibits shall be denominated: APS-1, APS-2, etc. Each intervening party will be
17 assigned by the Chairman a letter or letters of the alphabet as a preface with which
to consecutively number its exhibits. For example, the Commission Staff will
number its exhibits: CC-1, CC-2, etc.

18 12. Each Applicant may make an opening statement at the beginning of the hearing of
19 no more than thirty minutes. Each other party may make an opening statement of
20 no more than five minutes.

21 13. Public comment will be heard after the opening statements and at other times set by
the Chairman during the hearing. See ¶ 3, above.

22 14. In the event the Chairman determines after consultation with other Committee
23 members that a tour is appropriate, the Applicants shall arrange for transportation of
24 any Committee Members who wish to attend a tour of the locations where facilities
proposed in the application or similar facilities are located. If a tour is held, the tour
will depart from the Dateland Elementary School parking lot at 8:00 a.m. on
25 Wednesday, July 22, 2009. A map and itinerary for the proposed tour will be
26

1 available at the hearing and at the Dateland Elementary School parking lot at the
2 time of commencement of the tour, if conducted.

3 15. The Applicants shall submit to the Chairman, for approval in advance of the hearing,
4 a schedule and protocol agreed to by all parties for the tour. If all parties do not
5 agree upon the schedule and protocol for the tour, the disagreements shall be
6 submitted to the Chairman for resolution. The protocol shall identify the tour route,
7 identify the location of any stops, and identify any witnesses who will accompany the
8 tour. Counsel may ask brief explanatory questions of the identified witness or
9 witnesses during the stops about the location, what can be seen from the location of
10 the stop and the relevance of the location or view to the Application in the discretion
11 of the Chairman. All witnesses who testify on the tour shall be sworn before their
12 testimony. All questions and answers shall be before a court reporter. No testimony
or discussion with or between Committee Members about the Application or matters
relating to the Application will take place, except on the record before a court
reporter at the designated stops. The protocol shall provide for access to any
testimony presented at stops on a tour to members of the public. Members of the
public who wish to attend the tour shall be encouraged to notify the parties or the
appropriate staff of Arizona Corporation Commission in advance of their intention to
attend.

13 16. Parties may present their witnesses in panels where appropriate. A party that
14 intends to present witnesses in panels shall identify the members of any panel at the
time it files its witness summaries.

15 17. The Applicants shall make arrangements for the preparation of expedited court
16 reporter transcripts of all pre-application hearings, pre-hearing procedural hearings
17 and the evidentiary hearing, so that the transcripts are available for public inspection
18 within three working days after each hearing date, as required by A.R.S. § 38-
19 431.01D and § 40-360.04C. In addition, the Applicants shall file a certification with
Commission docket control that it has provided a copy of the transcripts to at least
two public libraries identified in the certification that are in the vicinity of the
application.

20 18. On or before the final pre-hearing procedural hearing set below, the Applicants shall,
21 and the other parties may, file proposed findings of fact, proposed conclusions of
22 law, the wording of any proposed Certificate of Environmental Compatibility and the
wording of any proposed conditions to the Certificate.

23 19. If the beginning of closing arguments and the Line Siting Committee's deliberations
24 are more than one week after the beginning of the hearing, the parties shall meet
25 and confer after the hearing begins and before closing arguments concerning
26 proposed findings of fact, proposed conclusions of law, a proposed Certificate of
Environmental Compatibility and the wording of any proposed conditions to the
Certificate. If the parties are able to agree upon part or all of the proposed findings

1 of fact, proposed conclusions of law, proposed forms of a Certificate of
2 Environmental Compatibility and proposed wording of conditions to the Certificate,
3 all that is agreed upon should be reduced to writing and filed with Commission
4 docket control. If the parties are not able to agree completely, the Applicants shall,
5 and all other parties may, file proposed findings of fact, proposed conclusions of law,
6 proposed wording of a Certificate of Environmental Compatibility and proposed
7 wording of conditions to the Certificate on the day before the beginning of closing
8 arguments and the Line Siting Committee's deliberations.

9 20. If the Applicants, or any other party, propose conditions based upon conditions used
10 in prior cases, each proposed condition from a prior case shall contain the case
11 number of the most recent prior Certificate of Environmental Compatibility using the
12 language approved by the Commission.

13 21. All witness summaries, proposed findings of fact, proposed conclusions of law,
14 proposed Certificates of Environmental Compatibility and proposed conditions of
15 Certificates, shall be filed with Commission docket control pursuant to A.A.C. R14-3-
16 204 and -205. If any documents that are filed are hand delivered during the hearing,
17 eleven copies shall be submitted to the Chairman for distribution to the other
18 Committee Members.

19 22. Within five business days after the hearing concludes and the Committee renders its
20 decision, the parties shall meet and confer in person or electronically to determine if
21 they can agree upon the final wording of a proposed Certificate of Environmental
22 Compatibility. If the parties can agree upon the final wording of a proposed
23 Certificate of Environmental Compatibility, each Applicant shall file forthwith the
24 agreed upon proposed Certificate of Environmental Compatibility to the Chairman for
25 signature. If the parties are not able to agree upon a proposed form of Certificate of
26 Environmental Compatibility, each Applicant shall file, and the other parties may file,
within ten days after the date of the decision of the Committee, those portions of the
proposed Certificate of Environmental Compatibility upon which the parties agree.
Each Applicant also shall file, and any other party also may file, its understanding of
any disputed portions of the proposed Certificate of Environmental Compatibility. All
proposed forms of the Certificate of Environmental Compatibility and any objections
or proposed revisions shall be filed with docket control of the Commission, and a
copy shall be hand delivered to the office of the Chairman at 1275 W. Washington,
Phoenix, Arizona. Objections or suggestions that are not timely filed shall be
considered waived. The copy of the proposed Certificate of Environmental
Compatibility filed by each Applicant and any proposed revisions filed by the parties
that are served upon the Chairman shall include an electronic file containing the
wording of the proposed language in a format compatible with Microsoft® Word
word processing program.

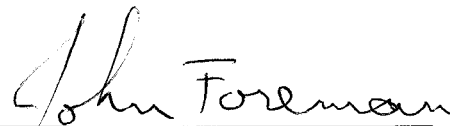
23. The Applicants and all other potential parties ("persons" within the meaning of A.R.S.
§ 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-

1 360.05(A)) shall meet with the Chairman for a final pre-hearing conference on
2 July 10, 2009 beginning at 10:00 am at the offices of the Attorney General of
3 Arizona at 1275 W. Washington, Phoenix, Arizona. Parties may appear by telephone
with the prior permission of the Chairman. At the final pre-hearing conference, the
Chairman will review with the parties:

- 4 a. The publication and posting of notices of the hearing;
5 b. The proposed agenda for the evidentiary hearing;
6 c. Any notices to intervene, applications to intervene, and applications to make a
7 limited appearance;
8 d. The status of attempts to narrow the issues at the evidentiary hearing or to
9 agree to language in the proposed findings of fact, proposed conclusions of
10 law, proposed Certificates of Environmental Compatibility and proposed
11 conditions to the Certificate;
12 e. The status of the filing and exchange of witness summaries or written
13 testimony, proposed findings of fact, proposed conclusions of law, proposed
14 Certificates of Environmental Compatibility and proposed conditions to the
15 Certificate;
16 f. The status of the exchange of exhibits amongst the parties;
17 g. Any objections, motions, responses and legal memoranda that have been
18 filed;
19 h. Plans and preparations for the hearing, public comment session, and tour of
20 the proposed site.

21 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of this
22 Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing conference or
23 at a hearing.
24
25
26

DATED this 8th day of June, 2009



John Foreman
Assistant Attorney General
Chairman
Arizona Power Plant and Transmission
Line Siting Committee
john.foreman@azag.gov

1
2 Pursuant to A.A.C. R14-3-204,
3 The Original and 25 copies were
4 filed this 8th day of June, 2009 with:

5
6 Docket Control
7 Arizona Corporation Commission
8 1200 W. Washington St.
9 Phoenix, AZ 85007
10

11 Copy of the above mailed
12 this 8th day of June, 2009 to:

13 Nancy Scott
14 Janice Alward, Chief Counsel
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, AZ 85007
18 Counsel for Legal Division Staff

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